

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT 14 OCT 2004

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

19.08.2004

☐ TO BE REVIEWED
BY ATTORNEY

Applicant's or agent's file reference
CL1974PCT

IMPORTANT NOTIFICATION

International application No.
PCT/US 03/02060

International filing date (day/month/year)
21.01.2003

Priority date (day/month/year)
17.05.2002

Applicant
E.I. DU PONT DE NEMOURS AND COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

EEL NOTED

17 Nov 2004

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference CL1974PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/02060	International filing date (day/month/year) 21.01.2003	Priority date (day/month/year) 17.05.2002	
International Patent Classification (IPC) or both national classification and IPC B41M5/40			
Applicant E.I. DU PONT DE NEMOURS AND COMPANY			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 29.04.2004		Date of completion of this report 19.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Patosuo, S Telephone No. +49 89 2399-8099	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US 03/02060

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-37 as originally filed

Claims, Numbers

1-34 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US 03/02060

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-34
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-34
Industrial applicability (IA)	Yes: Claims	1-34
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: WO0196116 (Avery Dennison Corp)

D2: EP-A-1138731 (Clariant International Ltd.)

1. Lack of Inventive Step (Art. 33(3) PCT)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-34 does not involve an inventive step in the sense of Article 33(3) PCT.

- 1.1 From document D1 a planarizing element is known. Said element comprises a planarizing layer (protective layer), wherein said planarizing layer comprises a crosslinkable binder (D1: page 3, lines 5-14). Also a method for making a color image using said planarizing element and a liquid crystal display comprising said planarizing element are known (D1: page 1, lines 1-2; page 10, lines 22-30; Fig. 4B).

The planarizing element according to present claim 1 differs from the disclosure of D1 in that said crosslinkable binder has weight average molecular weight of about 20 000 to about 110 000.

However, a coating composition containing crosslinkable binder having weight average molecular weight of approximately 10 000 to 100 000 have already been employed for providing protective films on color filters in order to achieve smooth and even protective surfaces in display applications, see document D2, page 2, line 49 - page 3, line 33 and page 4, lines 44-49.

The skilled person would therefore regard it as a normal option to use the crosslinkable binder according to D2 in the planarizing element of D1 in order to improve the smoothness and protection effect of said element as disclosed in the present application, page 3, lines 23-25, thereby arriving at the planarizing element according to claim 1, the methods for making a color image according to claims 7 and 20, and the liquid crystal display according to claim 28. The subject-matter of claims

1, 7, 20, and 28 does therefore not involve an inventive step (Article 33(3) PCT).

- 1.2 Dependent claims 2-6, 8-19, 21-27, and 29-34 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.

2. Further Remarks

- 2.1 The units of measure/pressure employed on pages 6, 8, 13, 16-18, 20, 21, 24, 25, 27, 28, 30, 31, and 37 are not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT.